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### **REMARKS**

In the Official Action, claims 1-43 were rejected. By this response, claims 2-5, 7-9, 11, 13, 18, 19, 21-23, 26-28, 31, 37, and 38 have been amended. Upon entry of these amendments, claims 1-43 will be pending in the present application. Reconsideration of the rejections and allowance of the pending claims are respectfully requested.

#### **First Objection to the Drawings**

The drawings are objected to under 37 CFR 1.83(a). Specifically, the Examiner stated that:

The drawings must show every feature of the invention specified in the claims. Therefore, providing computer hardware, software or services to assist a business in extending an Intranet system (cl.8), as well as all claimed method steps in all claims must be shown or the feature(s) cancelled from the claims(s)."

Applicants respectfully traverse the rejection. 37 CFR 1.83(a) does state that:  
"The drawings must show every feature of the invention specified in the claims.

However, the recited features of "providing computer hardware, software or services to assist a business in extending an Intranet system" are illustrated in block 35 of Fig. 1. Therefore, the drawings do show the features of claim 8 in accordance with 37 CFR 1.83(a). Similarly, all of the other method claims are shown in the drawings. Withdrawal of the objection to the drawings is respectfully requested.

#### **Second Objection to the Drawings**

The drawings were also objected to under 37 CFR 1.83(b). Specifically, the Examiner stated that: "As noted above, the claimed subject matter of claim 8 is not shown. Additionally, the methods of several alternative species have been combined into Fig. 1."

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Applicants respectfully traverse the objection. As discussed above, the claimed subject matter of claim 8 is shown in the figures to the extent required under 37 CFR 1.83(b). In addition, 37 CFR 1.83(b) does not contain a prohibition against having alternative species combined in a single figure. Therefore, 37 CFR 1.83(b) does not support the Examiner's objection to Fig. 1. Withdrawal of the objection to the drawings is respectfully requested.

**Rejection Under 35 U.S.C. § 101**

In the Official Action, claims 9, 10, 14, and 16-22 were rejected under 35 U.S.C. § 101. Specifically, the Examiner stated that: "Claim 9 recites only a website. A website, not associated with it hardware, is merely a collection of abstract data and is not tangible. The rejected dependent claims recite only uses or intangible aspects of the website."

Independent claim 9 has been amended in light of the Examiner's comments. The scope of the claims has not been narrowed by the amendment to claim 9. Withdrawal of the rejection of independent claim 9 and claims 10, 14, and 16-22, which depend therefrom, is respectfully requested.

**Rejection Under 35 U.S.C. § 112**

In the Official Action, claims 2-8, 13, 20-22, 24, 26, 27, 37, and 38 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended in light of the Examiner's comments. Withdrawal of the rejection is respectfully requested.

**Rejection Under 35 U.S.C. § 102**

In the Official Action, claims 1, 3, 7-10, 19, 23, 25, 31, 33, 35, and 36 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Earthlink website.

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Applicants respectfully traverse the rejection. Claims 1, 3, 7-10, 19, 23, 25, 31, 33, 35, and 36 are not anticipated because the Earthlink reference, inter alia, cannot be relied upon as being prior art.

The Earthlink reference is a print-out of a homepage of an Internet website. MPEP §2128 (the portion entitled "Date of Availability") states that:

Prior art disclosures on the Internet or on an on-line database are considered to be publicly available as of the date the item was publicly posted. If the publication does not include a publication date (or retrieval date), it cannot be relied upon as prior art under 35 U.S.C. § 102(a) or (b)...

However, no publication date is provided on the print-out. In the Official Action, the Examiner did not indicate the source for the date ("4/1998") cited by the Examiner as the date of the reference. Presumably, the date cited by the Examiner is the copyright date located on the first page of the website. However, the copyright date is not the publication date or the retrieval date, and there is no indication to what the copyright date refers. In any event, the Examiner failed to follow the procedure for proper citation of electronic documents found in MPEP §707.05. For these reasons, the Earthlink reference is not prior art and the rejection of the claims under 35 U.S.C. § 102(b) should be withdrawn. Allowance of claims 1, 3, 7-10, 19, 23, 25, 31, 33, 35, and 36 is respectfully requested.

However, even if the Earthlink reference is prior art, the Earthlink reference does not anticipate claims 1, 3, 7-10, 19, 23, 25, 31, 33, 35, and 36 because the cited reference does not disclose all of the recited features of the claims. Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566

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(Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every element or step of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984).

**Claims 1, 3, 7 and 8**

Independent claim 1 recites the following:

1. A method of providing information, goods or services to employees, comprising the acts of:
  - identifying information, goods or services for assisting employees in performing their employment tasks;
  - identifying providers of the identified information, goods or services; and
  - developing a website that enables the employees to obtain the identified information, goods or services from the identified providers.

Some of the recited features of independent claim 1 that are not disclosed by the Earthlink reference are: "identifying information, goods or services for assisting employees in performing their employment tasks." In the Official Action, the Examiner stated:

Earthlink inherently shows identifying information, goods, or services for assisting people, among them employees, and identifying providers, since the providers are shown on the website. It also shows developing a website that enables employees to obtain the identified information, goods, or services.

The Earthlink reference may identify information, goods, or services that may be obtained from the website, but the Earthlink reference does not inherently disclose "identifying information, goods or services for assisting employees in performing their employment tasks." Nothing disclosed on the Earthlink reference is directed to assisting employees to perform their employment tasks. Rather, the providers shown on the

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website are related to providing information to customers of Earthlink, not employees of Earthlink. Therefore, the Earthlink reference does not disclose all of the recited features of independent claim 1. Thus, independent claim 1 and claims 3, 7, and 8, which depend therefrom, are not anticipated by the Earthlink reference.

#### Claim 19

Claim 19 depends from independent claim 9. Therefore, a rejection of claim 19 under 35 USC 102(b), but not independent claim 9, is not a proper rejection. Furthermore, the Examiner's comments in the rejection were directed to claims 9 and 10, not claim 19. Specifically, the Examiner stated that: "As to claims 9 and 10, Earthlink shows a website available to its own employees." Therefore, it would appear that the Examiner intended to reject claims 9 and 10 under 35 USC 102(b), in addition to, or instead of, claim 19. Applicants will address the rejection as if the Examiner intended to reject claims 9, 10, and 19.

Claims 9, 10, and 19 are not anticipated because the Earthlink reference does not disclose all of the recited features of the claims. Independent claim 9 has been amended by this response. Some of the features of amended claim 9 that are not disclosed by the Earthlink reference are: "a website for providing information comprising a plurality of job-function related topics to a business's employees." As discussed above, the website of the Earthlink reference is directed to customers, not employees. Furthermore, the Earthlink reference does not disclose that the website provides information comprising a plurality of job-function related topics. Finally, the Earthlink reference does not disclose "an electronic information system adapted to produce a website." Thus, the Earthlink reference does not disclose all of the recited features of claim 9. Therefore, claims 9, 10, and 19 are not anticipated by the Earthlink reference. Withdrawal of the rejection is respectfully requested.

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**Claims 23 and 25**

Some of the recited features of amended independent claim 23 that are not disclosed by the Earthlink reference are: "the software program being configurable to provide selected employment specific information, products or services to employees via a website."

As discussed above, the Earthlink reference is directed to customers, not employees. The website of the Earthlink reference does not "provide selected employment specific information, products or services to employees." Therefore, independent claim 23 and dependent claim 25 are not anticipated by the Earthlink reference. Withdrawal of the rejection is respectfully requested.

**Claims 31, 33, 35, and 36**

Some of the recited features of amended independent claim 31 that are not disclosed by the Earthlink reference are:

a website hosted by the computer, wherein the website enables an employee to obtain purchasing and non-purchasing-related job-function information, and enables the employee to order goods or services to assist the employee perform employment functions.

As discussed above, the Earthlink reference is directed to customers, not employees. The website of the Earthlink reference does not provide information, goods, or services to assist an employee perform employment functions. Therefore, independent claim 31 and dependent claims 33, 35, and 36 are not anticipated by the Earthlink reference. Withdrawal of the rejection is respectfully requested.

In addition, the Applicants would like to note that the print-out of the Earthlink website does not disclose a computer. Thus, the Examiner's use of the Earthlink reference to reject claim 31 indicates the inherency of having a computer or some type of

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electronic information system with a website. Furthermore, in regard to dependent claim 33, the Examiner stated that: "As to claim 33, a portion of the website comprising the Jobs @ earthlink section is configured topically by job function." However, the Examiner did not indicate what this portion of the website is or what job function topics are disclosed. Applicants respectfully request that the Examiner indicate this alleged portion of the website and job function topics so that the Applicants can properly address the rejection.

**First Rejection Under 35 U.S.C. § 103**

In the Official Action, claims 2, 4, 37 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Earthlink website. Specifically, the Examiner stated in regard to claim 2 that:

Earthlink shows all elements except using the website within a single business. However, claim 2 represents the subject matter of box 27 in Fig. 1 and is an obvious variant of the method shown in boxes 30, 32, 34. It would have been obvious to one of ordinary skill in the art to modify the method Earthlink by using the business website for employees in a single business in order maintain security of information on that website. If it is found that the method step of claim 2 is patentably distinct over the method of boxes 30, 32, 34, a species requirement will be necessary.

Claims 2, 4, 37 and 38 are patentable because the Earthlink reference does not disclose, suggest, or teach all of the recited features of the claims. However, Applicants also would like to point out that the recited subject matter of claim 2 does not necessarily represent the subject matter of box 27 of Fig. 1. Furthermore, regardless of whether blocks 27 and 28 of Fig. 1 represent one option of a method and blocks 30, 32, 34, and 35 represent a second option of the method, the fact that there are at least two options to the method does not make blocks 27 and 28 an *obvious* variant of blocks 30, 32, 34, and 35.

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In addition, the suggestion for the obviousness of the claim is being provided entirely by the Examiner based on hindsight analysis, not from the prior art. The applicants respectfully request the Examiner to cite support under M.P.E.P. § 2144.03 for the assertion that: "It would have been obvious to one of ordinary skill in the art to modify the method Earthlink by using the business website for employees in a single business in order maintain security of information on that website." Furthermore, the Examiner's stated purpose for such a website (maintaining security of information) is directly in opposition to the purposes of the Earthlink website, i.e., providing customers and other potential customers with information about Earthlink. Thus, claim 4 is not obvious based on the Earthlink reference.

In addition, the Examiner stated that:

As to claim 4, Earthlink shows all elements except that only the business's employees are provided with information, goods, or services. However, it is notoriously old and well known in the art for a business to provide information only to its own employees. It would have been obvious to one of ordinary skill in the art to modify the method Earthlink by using the business website for employees in a single business in order maintain security of information on that website.

Once again, the suggestion for the obviousness is being provided by the Examiner, not the prior art. Thus, once again, the Examiner is respectfully requested under M.P.E.P. § 2144.03 to cite support for the assertion that: "It would have been obvious to one of ordinary skill in the art to modify the method Earthlink by using the business website for employees in a single business in order maintain security of information on that website." Furthermore, even if it is old and well known for a business to provide information only to its own employees, it is another matter altogether to use a website to provide the information to its employees.



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In the rejection, the Examiner also stated that:

As to claim 37, Earthlink shows all elements of the claim except closed-links. However, to use such links is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to modify the system of Earthlink by using closed links in order to allow maintenance of the same environment while shopping at a partner site such as Sprint.

Applicants respectfully request under M.P.E.P. § 2144.03 that the Examiner cite support for the assertions that: "However, to use such (closed) links is notoriously old and well known in the art," and "It would have been obvious to one of ordinary skill in the art to modify the system of Earthlink by using closed links in order to allow maintenance of the same environment while shopping at a partner site such as Sprint."

In the rejection, the Examiner also stated that:

As to claim 38, Earthlink shows all elements of the claim except receiving compensation from a business to which it refers business. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to modify the system of Earthlink in order to increase revenue.

Regardless of whether it is notoriously old and well known to receive compensation from a business to which a business refers business, the question is whether it is obvious for a website that has a link to a second website operated by a second business to receive "compensation from the second business for transactions completed by an employee with the second website." On this question, the Examiner has provided no support from the prior art. Therefore, Applicants respectfully request under M.P.E.P. § 2144.03 that the Examiner cite support for the assertion.

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For all of these reasons, claims 2, 4, 37, and 38 are patentable over the Earthlink reference. Withdrawal of the rejection and allowance of the claims are respectfully requested.

**Second Rejection under 35 U.S.C. 103(a)**

Claims 9-22, 28-36, and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over King, Jr. et al., US. Patent No. 5,319,542, in view of Gardner et al. U.S. Patent No. 5,758,327. By this response, independent claims 9, 28, and 31 and dependent claims 11, 13, 19, 21, 22, 23, 26, 27, 37, and 38 have been amended.

Claims 9-22, 28-36, and 39-43 are patentable because the cited references do not disclose all of the recited features of the claims.

**Claims 9-22**

Some of the recited features of amended independent claim 9 that are not taught, suggested, or disclosed by the cited references are: "a website for providing information comprising a plurality of job-function related topics to a business's employees." Applicants agree with the Examiner that the King, Jr. et al. reference does not disclose a website to present information, products, or services for ordering. However, both cited references are related only to requisitioning products. The only information that is suggested by the cited references as being provided to an employee is requisitioning information, not information comprising a plurality of job-function topics. Neither the King, Jr. et al. nor the Gardner reference teaches, suggest, or discloses "a website for providing information comprising a plurality of job-function related topics to a business's employees." Thus, the cited references do not disclose all of the recited features of claim 9. Therefore, independent claim 9 and dependent claims 10-22 are patentable over the cited references.

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In addition, Applicants respectfully that the Examiner cite support from the cited references for the Examiner's assertion that: "As to claim 22, King et al in view of Gardner et al show a system configured for use by employees in specific occupational groups."

**Claims 28-30**

Some of the recited features of amended independent claim 28 that are not taught, suggested, or disclosed by the cited references are:

providing a website having a plurality of menus of goods or services available for purchase by a plurality of employees, each of the plurality of menus of goods or services corresponding to a group of employees;  
providing an identifier to enable the website to identify the group of employees to which the employee belongs;  
and  
displaying the menu of goods or services corresponding to the group of employees based on the identifier provided.

Neither the King, Jr. et al. nor the Gardner reference teaches, suggests, or discloses these recited features. Therefore, independent claim 23 and dependent claims 24-27 are patentable over the cited references.

**Claims 31-43**

Some of the recited features of amended independent claim 31 that are not taught, suggested, or disclosed by the cited references are:

a website hosted by the computer, wherein the website enables an employee to obtain purchasing and non-purchasing-related job-function information, and enables the employee to order goods or services to assist the employee perform employment functions.

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As discussed above, the only information that is suggested by the cited references as being provided to an employee is purchasing information, not non-purchasing-related job-function information. Thus, the cited references do not disclose all of the recited features of claim 31. Therefore, independent claim 31 and dependent claims 32-43 are patentable over the cited references.

In addition, Applicants respectfully request under M.P.E.P. § 2144.03 that the Examiner cite support for the assertion that: "As to claim 33, King et al in view of Gardner et al show all elements of the claim except configuring the system topically, base on job function. However, to do so is old and well known. It would have been obvious to one of ordinary skill in the art to further modify the system of Gardner in order to make data access more efficient."

#### Attachment

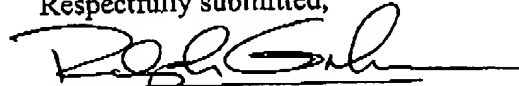
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

#### Conclusion

In view of the above remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Date: December 26, 2002

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**  
**IN THE CLAIMS**

Please amend claims 2-5, 7-9, 11, 13, 18, 19, 21-23, 26-28, 31, 37, and 38 as follows:

2. (Amended) The method as recited in claim 1, ~~comprising:~~  
~~using the website to provide information, goods, or services to wherein the~~  
employees are employees within a single business.
3. (Amended) The method as recited in claim 1, ~~comprising:~~  
wherein developing comprises developing a configurable website system that  
enables a plurality of websites to be developed, each website enabling a  
business to provide information, goods, or services to assist employees of a  
specific business to perform their jobs.
4. (Amended) The method as recited in claim 3, wherein only the specific  
business's employees are provided the information, goods, or services.
5. (Amended) The method as recited in claim 3, comprising:  
providing a the business with a template of information, goods, and services; and  
developing a website for the business based upon the business's choices of desired  
information, goods, or services selected from the template.
7. (Amended) The method as recited in claim 3, comprising:  
providing computer hardware, software, or services to assist a the business in  
operating a website to provide employees with information, goods, or  
services.

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8. (Amended) The method as recited in claim 3, comprising:  
providing computer hardware, software, or services to assist a the business in  
extending an Intranet system to a website accessible to employees of other  
businesses.
- ✓ 9. (Amended) A system for providing information, goods, or services to  
employees, comprising:  
an electronic information system adapted to produce a website for providing  
information comprising a plurality of job-function related topics to a  
business's employees and to enable enabling the employees to use the  
website to order products or services to enable the employees to perform  
their job functions.
- ✓ 11. (Amended) The system as recited in claim 9, comprising:  
an electronic information system; and  
a plurality of terminals that provide access to the website for a plurality of the  
business's employees.
- ✓ 13. (Amended) The system as recited in claim 12, wherein the computer  
program provides a the business with the ability to select from a template of information,  
goods, and services that the website may provide to the business's employees.
- ✓ 18. (Amended) The system as recited in claim 17, wherein the system  
selects a specific job-function related topic for display on ~~configures~~ the website for each  
employee based on the employee's previous use of the website.
- ✓ 19. (Amended) The system as recited in claim ~~12~~10, wherein the system is  
linked to a second electronic information system via a second website.

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✓ 21. (Amended) The system as recited in claim 20, wherein the links to the plurality of websites are closed links, such that when a link in a first website is activated it visually appears to the employee that the employee is still connected to the first website and it does not appear to the employee that the employee is linked to a second website.

✓ 22. (Amended) The system as recited in claim 9, wherein the system is configured to provide information to and to order products or services for employees in specific occupational groups.

23. (Amended) A template for a configurable website, comprising:  
a tangible medium storing a computer software program, the software program being configurable to provide selected employment specific information, products or services to employees via a website when the computer software program is executed by a computer system.

26. (Amended) The template as recited in claim 23, wherein the computer software program enables information, products or services is to be provided by a second website party via a link to the second website.

27. (Amended) The template as recited in claim 23, wherein the computer software program enables the website is to be configured by the business for an employee in a specific occupational field.

28. (Amended) A method for an employee of a business to procure goods, or services, comprising:

providing a website having a plurality of menus of goods or services available for purchase by an-a plurality of employees, each of the plurality of menus of goods or services corresponding to a group of employees;

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accessing the website having a menu of goods or services available for purchase by an employee;  
providing an identifier to enable the website to identify the group of employees to which the employee belongs;  
displaying the menu of goods or services corresponding to the group of employees based on the identifier provided;  
placing an order for desired goods or services by selecting the desired goods or services from the displayed menu;  
obtaining approval from the business for purchase of the order;;  
sending an electronic representation of the approved order to a source via the electronic information network; and  
providing the employee with the goods or services.

✓ 31. (Amended) A system for providing information, goods, or services to employees, comprising:

a computer; and

a website hosted by the computer, wherein the website enables an employee to obtain purchasing and non-purchasing-related job-function information, and enables the employee to order goods; or services to assist the employee perform employment functions.

✓ 37. (Amended) The system as recited in 36, wherein the link to the second website is a closed-link, such that when a link in the website is activated it visually appears to the employee that the employee is still connected to the website and it does not appear visually to the employee that the employee is linked to a second website.

38. (Amended) The system as recited in claim 36, wherein the first business receives compensation electronically from the second business for transactions completed by an employee with the second website.